



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: Colton Joint Unified School District

A written comment period has been established commencing on **September 28, 2007**, and closing on **November 12, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 12, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 3. DEPARTMENT OF
PESTICIDE REGULATION**

Toxic Air Contaminants
DPR Regulation No. 07-003

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend section 6860 of Title 3, California Code of Regulations (3 CCR). The proposed regulatory action designates the pesticide chemical methidathion as a toxic air contaminant (TAC) in subsection (a) pursuant to Food and Agricultural Code (FAC) section 14023.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on November 14, 2007. Comments regarding this proposed action may also be transmitted via e-mail <dpr07003@cdpr.ca.gov> or by facsimile transmission at (916) 324-1452.

A public hearing has been scheduled for the time and place stated below to receive oral comments regarding the proposed regulatory changes.¹

DATE: November 13, 2007

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency Headquarters Building
Sierra Hearing Room
1001 I Street
Sacramento, California 95814

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be con-

ducted at the location of the hearing from 8:30 to 9:00 a.m. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small businesses. The regulatory action merely adds methidathion to the TAC List in section 6860(a) and does not restrict or further regulate use of the chemical by businesses. Pursuant to FAC section 14023(e), the need for, and appropriate degree of, control measures for a pesticide listed as a TAC pursuant to FAC section 14023(d) shall be determined by DPR in consultation with the Office of Environmental Health Hazard Assessment (OEHHA), the Air Resources Board (ARB), and the air pollution control districts or air quality management districts in the affected counties. If a need for control measures is determined for methidathion, the proposed control measures will be promulgated in a separate regulatory action.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

FAC section 14021 defines a TAC as "an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health." As mandated by FAC section 14022, DPR, in consultation with OEHHA and ARB, evaluates the health effects of pesticides which may be, or are, emitted into the ambient air of California. FAC sections 14021-14022 describe this evaluation process. Upon completion of this evaluation, DPR prepares a report on the health effects of the pesticide in question. Pursuant to FAC section 14023, an independent Scientific Review Panel (SRP) reviews this report and submits its written findings to DPR. Within ten days following receipt of the SRP's findings, FAC section 14023(d) requires DPR to "prepare a hearing notice and a proposed regulation which shall include the proposed determination as to whether a pesticide is a toxic air contaminant."

Methidathion is a non-systemic, organophosphate insecticide/acaricide used to control sucking and chewing insects such as scale, moths, and aphids, on a wide

¹ If you have special accommodation or language needs, please notify DPR. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

variety of crops. Methidathion is applied by aerial equipment or calibrated power-operated ground equipment at rates varying from 0.25 to 5.0 pounds of active ingredients per acre.

DPR evaluated methidathion and the SRP has reviewed DPR's report "*Methidathion (Supracide®) Risk Characterization Document*, dated June 2006 and revised November 2006." Based on the final *Methidathion (Supracide®) Risk Characterization Document*, February 2007, the SRP recommended in its written findings that the Director initiate regulatory steps to list methidathion as a TAC.

Based upon the results of the evaluation of methidathion, the findings of the SRP, and the criteria in 3 CCR section 6890 for identifying pesticides as a TAC, the Director has declared methidathion to be a TAC. The proposed regulatory action adds methidathion to section 6860(a).

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456 and 14023.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 14021 and 14023.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed ac-

tion, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Office of Legislation and Regulations
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted above:

Randy Segawa, Agriculture Program Supervisor
Environmental Monitoring Branch
(916) 324-4137

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code sec-

tion 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **November 15, 2007**, at 10:00 a.m.
in the Council Chambers,
Second Floor of the Glendale
City Hall
613 East Broadway, Glendale,
California 91026.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **November 15, 2007**, following the Public Meeting
in the Council Chambers,
Second Floor of the Glendale
City Hall
613 East Broadway, Glendale,
California 91026.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS

MEETING: On **November 15, 2007**, following the Public Hearing
in the Council Chambers,
Second Floor of the Glendale
City Hall
613 East Broadway, Glendale,
California 91026.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **November 15, 2007**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 7, Subchapter 4, Article 11
Section 1597
Jobsite Vehicles—Scope and Application
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 4
Section 3270
Safe Access to Elevated Locations

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**

Chapter 7, Subchapter 4, Article 11
Section 1597

Jobsite Vehicles—Scope and Application

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is the result of a Division of Occupational Safety and Health (Division), Request for New or Change to Existing Safety Order, Form 9-038 dated October 26, 2004. The Division requested the Standards Board (Board) consider amending the scope and application paragraph that precedes the requirements of Section 1597—Jobsite Vehicles. The Board staff and Division agree that Section 1597, which contains various vehicular safety equipment requirements, was never intended to apply to construction haulage vehicles, loaders, crawlers, bulldozers, scrapers and similar equipment. The Division is aware of concerns expressed by stakeholders regarding the application of Section 1597 to such vehicles. Consequently, the Division proposed language stating that vehicles covered by Article 10 of the CSO, which applies to haulage vehicles and earthmoving vehicles, are not subject to the vehicular safety equipment requirements contained in Section 1597, which apply to light trucks, vans, other types of jobsite vehicles used to transport employees, passenger automobiles, sport utility vehicles and vehicles not designed as haulage vehicles.

The Board staff's proposal differs slightly from that of the Division's as stated in the Form 9-038 to the extent that the wording has been revised for improved readability. This proposal is consistent with 29 CFR 1926.601(a) and 29 CFR 1926.602(a), federal OSHA standards that provide separate standards for jobsite vehicles that are, and are not, haulage and earthmoving equipment.

The following action is proposed:

Section 1597. Jobsite Vehicles.

This section consists of an opening "scope and application" statement followed by eleven subsections that address specific safety requirements.

An amendment is proposed to add language in the scope and application statement to clarify that Section 1597 does not apply to jobsite vehicles covered by Article 10 of the CSO which pertains to earthmoving and haulage vehicles. The effect of the proposed amendment is limited to this clarification.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local govern-

ments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

This proposed standard does not impose unique requirements on local governments. All employers — state, local, and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendment to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7, Article 4
Section 3270

Safe Access to Elevated Locations

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is the result of a Division of Occupational Safety and Health (Division) Form 9 (F9-053), Request for New or Change to Existing Safety Order, dated November 9, 2006. The Division was concerned about the narrow interpretation given Sec-

tion 3270 by the Occupational Safety and Health Appeals Board Decision (OSHAB) in its Docket No. 03-R1D1-4717 and 4718, dated August 2, 2006.

The OSHAB Decision indicates that the employer had failed to provide a safe means of access to the roof of a storage structure which required cleaning. The OSHAB administrative law judge (ALJ) determined that the removal of dirt and debris from the roof of the storage shed cannot be characterized as material to be handled as stated in Section 3270. Therefore, this standard has no application to the work activity which resulted in a serious employee injury. This interpretation is inconsistent with the intent of this standard, which is to ensure that workers can safely access any elevated location where work is performed or may be performed. The proposal amends the standard in order to be consistent with the intent of the standard and overcome the OSHAB's narrow interpretation.

This proposed rulemaking action contains nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Section 3270. Access General.

This Section contains standards requiring access to equipment and appliances (except those on roofs or dwellings and their accessory buildings) and access to permanent elevated locations where there is machinery, equipment or material that is frequently repaired, serviced, adjusted or otherwise handled. This access is to be provided by means of access runways or platforms. Various notes and exceptions refine the scope of the section's applicability.

This proposal would amend the Section to make it clear that, except for existing exceptions and limitations, this Section applies to all elevated work areas, not just those where a limited number of specified work activities take place. To this end, the first sentence of subsection (a) is replaced by language that states access is to be provided, to every permanent elevated work location by means of ladders or permanent stairways or ramps. A Note following subsection (a) is proposed to clarify where Title 8 ramp, stairway and ladder standards which are relevant to Section 3270 are found.

Subsection (b) is proposed to be revised to provide that every permanent elevated work location, as well as elevated locations where machinery, equipment are accessed by employees are to be provided with safe platforms or a maintenance runway.

A new subsection (c) is proposed which relocates the existing language contained in subsection (a) and has

no other effect other than to relocate an existing requirement to a location in Section 3270 that is more logical in relation to the requirements that precede it.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article

XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes undue requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) (43 Cal.3d 46).)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified

alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than November 9, 2007. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on November 15, 2007, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Michael Manieri, Principal Safety Engineer, or Christina Witte, Executive Secretary, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, First Floor Hearing Room, 1625 North Market Blvd., S-102, Sacramento, California, at 9:00 a.m., or as soon as practicable thereafter, on November 17,

2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Thursday, November 15, 2007 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 2911 and 2914 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Consistent with Statutes of 2005, Chapter 658 (SB 229), this proposal would add the following acceptable postdoctoral supervised professional experience (SPE):

- › In a formal postdoctoral training program which is a member of the California Psychology Internship Council (CAPIC) pursuant to section 2911 of the Business and Professions Code and registration with the board is not required.

At the time of the new law in 2005, CAPIC was in the process of creating membership criteria for postdoctoral training programs. Postdoctoral training programs can now apply for CAPIC membership. The board would now allow an applicant for licensure to accrue hours of required SPE in a postdoctoral training program that is a member of CAPIC.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

- › Statutes of 2005, Chapter 658, (SB 229)
- › Letter from Robert Perl, Psy.D., California Psychology Internship Council (CAPIC) Board of Directors

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeffrey Thomas
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at www.psychboard.ca.gov.

TITLE 21. DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

TO ALL INTERESTED PERSONS

The California Department of Transportation ("Department") proposes to adopt the proposed regulations

described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action.

However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on November 12, 2007. The department will consider only comments received at the Department by that time. Please submit comments to:

Gordon Arruda
Department of Transportation
Division of Mass Transportation
1120 'N' Street, MS 39, Room 3300
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Public Utilities Code section 99241 authorizes the Department to adopt proposed regulations, with the advise and consent of the California Transportation Commission (CTC), which would implement, interpret, or make specific Public Utilities Code sections 99246, and 99314.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department proposes to amend section 6662.5, 6663(b), 6753, and 6754(b)(2) in Title 21 of the California Code of Regulations.

Public Utilities Code section 99241 authorizes and requires the Department to promulgate regulations to enforce the Transportation Development Act (Public Utilities Code sections 99200 et seq). The existing regulations were enacted in 1979 and have been amended several times to implement State and Federal statutory and regulatory authority.

This proposed regulatory action will bring the regulations into conformance with recent State statutory amendments to the Public Utilities Code.

Section 6662.5 covers the requirement that each Transportation Planning Agency must be audited for performance. The proposed amendment reflects recently enacted amendments to the provisions of the controlling statute, Public Utilities Code section 99246.

Section 6663(b) requires each TPA to designate an entity to conduct a performance audit of each transit operator under the TPA's jurisdiction. The proposed amendment is to reflect recently enacted amendments to the provisions of the controlling statute, Public Utilities Code section 99246.

Section 6753 explains how allocations to claimants take effect. The proposed amendment clarifies that the process for allocating State Transit Assistance (STA) funds is the same as the process to allocate funds from the Local Transportation Fund (LTF).

Section 6754(b)(2) is proposed to be amended by removing language that was removed from the controlling statute, Public Utilities Code section 99314.5. This section (6754) states the criteria for operators or transit claimants to qualify for funding under the Transportation Development Act.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.
Costs or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630, inclusive: None.

Other non-discriminatory costs or savings imposed on local agencies: None.

Costs or savings in federal funding to the state: None.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: None.

Adoption of these regulations will not:

- (1) Create or eliminate jobs within the State of California;
- (2) Create new businesses or eliminate existing businesses within the State of California; or
- (3) Affect the expansion of businesses currently doing business within the State of California.

Significant effect of housing costs: None.

Small Business Determination

The Department has determined that the proposed regulatory action will not affect small businesses. These

actions only affect TPA, public transportation operators, and transit service providers.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:

Gordon Arruda
Division of Mass Transportation
California Department of Transportation
1120 'N' Street, MS 39, Room 3300
Sacramento, CA 95814
Telephone: (916) 654-9396

The backup contact person for these inquiries is:

Tracey Frost
Department of Transportation
Division of Mass Transportation
1120 'N' Street, MS39, Room 3300
Sacramento, CA 95814
Telephone: (916) 654-9842

Questions on the substance of the regulatory action may be directed to **Mr. Gordon Arruda** or **Tracey Frost**.

Please direct requests for copies of the proposed text (the "express terms") of the regulatory action, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which this rulemaking is based to **Gordon Arruda** at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address during regular business hours. As of the date this notice is published in the Notice Register, the rulemaking file

consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting **Gordon Arruda** at the above address and telephone number.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding any requested public hearings and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to **Gordon Arruda** at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting **Gordon Arruda** at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at www.dot.ca.gov/hq/MassTrans/State-TDA/.

TITLE 27. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF PROPOSED RULEMAKING

Title 27.	Environmental Protection
Division 2.	Solid Waste
Subdivision 1.	Consolidated Regulations for Treatment, Storage, Processing or Disposal of Solid Waste
Chapter 4.	Documentation and Reporting For Regulatory Tiers, Permits, WDRs, and Plans

Subchapter 4.	Development of Closure/ Postclosure Maintenance Plans
Sections:	21780–21800, 21815–21840, & 21865
Chapter 6	Financial Assurances at Solid Waste Facilities and at Waste Management Units for Solid Waste
Subchapter 3.	Allowable Mechanisms
Article 1.	CIWMB — General Requirements for Mechanisms
Sections:	22231 & 22234
Article 2.	CIWMB — Financial Assurance Mechanisms
Sections:	22240, 22243, 22244, 22246–22249.5, & 22251–22253
Appendix 3.	Financial Assurances Forms
Forms:	CIWMB 100, 104, & 106

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 27, California Code of Regulations (27 CCR), Division 2, Subdivision 1, Chapter 4, Subchapter 4, §§21780–21800, 21815–21840, and 21865 and Chapter 6, Subchapter 3, Article 1, §§22231 and 22234 and Article 2, §§22240, 22243, 22244, 22246–22249.5, and 22251–22253. The proposed changes: (1) clarify that closure and postclosure maintenance cost (PCM) estimates be based on costs the state may incur if the state assumes responsibility for the specific activity due to a failure of an owner/operator and address the need for contingencies on all cost estimates; (2) clarify the requirement that when insurance is the financial assurance mechanism, the insurance policy must provide that if the CIWMB or other government entity or court issues an order covering an insured activity (closure, postclosure maintenance or corrective action), the assured funds will be fully available upon request of the CIWMB, regardless of any remaining premiums to be paid; and (3) include appropriate cleanup language for clarity and consistency.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on November 13, 2007.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

Michael Wochnick
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. WC/CCFAD 10A-18
Sacramento, CA 95812-4025
e-mail: <mailto:mwochnick@ciwmb.ca.gov>
Fax: (916) 319-7334
Phone: (916) 341-6318

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for November 14, 2007. The hearing will be held in the Byron Sher Auditorium (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 9:00 a.m. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing submit written copies of their testimony at the hearing. The Byron Sher Auditorium Hearing Room is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act), PRC §40000 et seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and solid waste processing and disposal. Under current regulations, the operator shall provide a written estimate, in current dollars, of the estimated annual cost of hiring a third party to maintain, monitor, and inspect the closed landfill. Cost estimates shall be based on the activities described in the PCM plan and account for PCM of the entire landfill. Since the PCM cost estimate is an annual estimate, the cost of those maintenance items that occur less frequently than annually are prorated to an annual cost. Since there is no defined timeline for PCM, and by extension for the cost estimate, the estimate by inference should include any maintenance/replacement throughout the entire PCM period, however long it may be. However, generally, only replacement and major maintenance costs that would occur within the first 30 years are included in the cost estimate. Maintenance/replacement of longer-life items such as drainage systems and environmental control systems are rarely included in cost estimates.

Likewise, the requirement that closure and PCM costs are to be third-party costs implies that the costs that the state would incur should the operator not perform closure or PCM and the state must contract for those duties would include prevailing wages. However, most closure and PCM plans do not currently specify

prevailing wages when preparing cost estimates. At its July 2006 and March 2007 meetings, the CIWMB Permitting and Compliance Committee directed staff to initiate a rulemaking to address these issues.

Moreover, Public Resources Code (PRC) §43501 as amended by Assembly Bill 2296 (Montanez, Stats. 2006, c. 504) requires that closure and postclosure cost estimates are to be based on reasonably foreseeable costs the state may incur if the state would have to assume responsibility for the closure and postclosure maintenance due to the failure of the owner or operator. PRC 43501 further requires that the CIWMB specify in regulation that cost estimates must include, but not be limited to: (1) estimates in compliance with the Labor Code and (2) the replacement and repair costs for longer lived items, including, but not limited to, repair of the environmental control systems.

At its July 2006 and March 2007 meetings, the CIWMB Permitting and Compliance Committee also directed staff to include one financial assurance issue in its rulemaking. When an insurance policy is the financial assurance mechanism and the CIWMB or other government agency or court orders closure, postclosure maintenance or corrective action activities, current law requires the insurance policy proceeds to be readily available to cover the insured activities. This rulemaking clarifies this requirement.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that there is a need to modify existing closure, postclosure maintenance, and financial assurance regulations to clarify that cost estimates are to be based on the state's costs along with appropriate clean-up language as a means of providing clarity and consistency with state law.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulatory changes pursuant to the standard of clarity provided in Government Code §11349 and the plain English requirements of Government Code §§11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC §§40502, 40508, 43040, 43501, 43601 and 43601.5 provide authority for this proposed regulation change. The purpose of the proposed regulation is to implement, interpret and make specific PRC §§ 40508, 43020, 43021, 43022, 43040, 43103, 43500-43610.1 and Title 40, Code of Regulations §§ 258.72 and 258.74.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D of the Resource Conservation and Recovery Act (42 U.S.C.A. §§6901 et seq.), the State of California has the authority to promulgate such regulations.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

CIWMB staff has determined that the proposed regulation changes will result in no costs or savings to state agencies, no costs to any school districts that are required to be reimbursed under Part 7 (commencing with §17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations do not impose a mandate on local school districts.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a statewide adverse economic impact on small businesses including the ability of California businesses to compete with businesses in other states. Due to the capital investment required, few small businesses establish and operate solid waste landfills. As such these regulations will not affect small business in that no small business is required to comply with the regulations, none is required to enforce the regulations, and none derives a benefit nor incurs a detriment from the enforcement of the regulations.

**EFFECT ON CREATION OR ELIMINATION
OF JOBS, EXISTING OR NEW BUSINESS
IN THE STATE OF CALIFORNIA**

CIWMB staff has determined that the proposed regulatory action will not affect: (1) the creation or elimination of jobs within the State of California; (2) the creation of new or the elimination of existing businesses with California; or (3) the expansion of businesses currently doing business with the state.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

CIWMB staff analyzed the economic impact of the proposed action. To comply with the new regulation as proposed, staff estimates that the economic impact to private landfill operators would be approximately \$0.3 million to \$0.9 million per year.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Michael Wochnick
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. WC/CCFAD 10A-18
Sacramento, CA 95812-4025
e-mail: <mailto:mwochnick@ciwmb.ca.gov>
Fax: (916) 319-7334
Phone: (916) 341-6318

Back-up contact person to whom inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Richard Castle
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. WC/CCFAD 10A-18
Sacramento, CA 95812-4025
e-mail: mailto:rcastle@ciwmb.ca.gov
Fax: (916) 319-7392
Phone: (916) 341-6343

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

ORD #0806-04

**NOTICE OF PROPOSED CHANGES IN
REGULATIONS OF THE CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES (CDSS)**

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Michael Wochnick at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rule-making/Postclosure/>. Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

The CIWMB may adopt the proposed regulation changes as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will transmit any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**ITEM #2 Food Stamp Program Recertification
Simplification and Statewide Fingerprint
Imaging System (SFIS) Exemptions**

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 14, 2007, as follows:

November 14, 2007
Office Building #9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 14, 2007.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of non-substantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these

proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

CDSS Manual of Policies and Procedures (MPP), Division 63 (Food Stamps), Chapter 63-300 (Application Process), Section 63-300 (Application Process); Chapter 63-500 (Eligibility Determination), Section 63-504 (Household Certification); and Chapter 63-600 (Coupon Issuance, Use and Replacement), Section 63-601 (County Welfare Department Responsibilities).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides for the Food Stamp Program, under which each county distributes food stamp benefits to eligible households. The Food Stamp Program is designed to promote the general welfare, and safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households. Therefore, it is necessary that CDSS be in compliance with state and federal regulations to ensure the continued service to these households.

Currently, state regulations require counties to conduct a face-to-face interview at least once every 12 months as part of the recertification process, except when a household qualifies for an exemption i.e. transportation issues or similar hardship on a case-by-case basis.

CDSS has received approval from the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) (USDA, FNS Waiver #2070014) to replace the face-to-face interview with a telephone interview. Therefore, regulations changes are necessary to implement the Department's approved waiver that allows the county the option to conduct a telephone interview in lieu of a face-to-face interview for Quarterly

Reporting/Prospective Budgeting (QR/PB) households during the recertification process. This also includes elderly or disabled households at initial application. Face-to-Face interviews will be conducted if requested by the household or the CWD determines one is necessary to verify conditions of eligibility. These state regulation changes will streamline the recertification process thereby making it easier for eligible food stamp households to continue in the Food Stamp Program.

Also current state regulations at MPP Section 63-601.124 allow a household certified out-of-office to be exempt from Statewide Fingerprint Imaging System requirements. This exemption combined with the waiver of the face-to-face interview at MPP Section 63-300.45 would allow any eligible household to potentially never complete the SFIS requirement, as there is no limit to how many times a household may be certified based on telephone interviews.

This exemption is in conflict with current state law (Welfare and Institutions Code Section 10830(e)). This section specifies that every applicant for aid, recipient of aid, other than dependent children or persons who are physically unable to be fingerprint imaged, shall, as a condition of eligibility for assistance, be required to be fingerprint imaged. The out-of-office interview is not listed as an allowable exemption under current statute. These regulation changes will require that eligible households certified out-of-office still complete all necessary SFIS requirements in accordance with current State law.

COST ESTIMATE

1. Costs or Savings to State Agencies: Savings of approximately \$12,700.00 in the current State Fiscal Year.
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: Savings of approximately \$5,500.00 annually.
4. Federal Funding to State Agencies: Savings of approximately \$18,150.00 in the current State Fiscal Year.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will result in savings.

STATEMENT OF SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON
PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION
OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Section 10553, 10554 and 18904. Subject regulations implement and make specific United States Department of

Agriculture, Food and Nutrition Service Waiver #2070014.

CDSS REPRESENTATIVE REGARDING
RULEMAKING PROCESS OF THE
PROPOSED REGULATION

Contact Person: Everardo Vaca (916) 657-2586
Backup: Sandra Ortega (916) 657-2586

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

ORD #0107-01

NOTICE OF PROPOSED CHANGES IN
REGULATIONS OF THE CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1 Restaurant Meals for the Homeless,
Elderly and Disabled

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 14, 2007, as follows:

November 14, 2007
Office Building #9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 14, 2007.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regula-

tions as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures, Division 63 (Food Stamp Program), Chapter 63-100 (General Provisions), Section 63-102 (Definitions) and Chapter 63-500 (Eligibility Determinations), Section 63-504 (Household Certification and Continuing Eligibility)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Food Stamp (FS) Manual of Policies and Procedures (MPP) Sections 63-102(e)(H)3. and 63-504.723 require that homeless, disabled, or elderly households eligible to participate in the Restaurant Meals (RM) Program be issued a specially marked identification (ID) card containing the persons name, case number, expiration date and signature. At the time the RM regulations were written, there was no other way to identify eligible households except through the provision of a separate ID card which was used in conjunction with the recipient's Golden State Advantage Electronic Benefit Transfer (EBT) card.

Currently, verification of eligibility to the RM program is electronically accessed through the EBT card that allows access to the database through the point of sale device as specified in 7 CFR 274.12(h)(3)(ii)(B).

The EBT system software validates each transaction prior to authorization via the RM "indicator code" which is contained in the database. The development of the EBT RM "indicator code" eliminates the need for the recipient to carry a separate ID card and ensures data security during electronic transmission. Accordingly, the regulations are being amended to repeal the obsolete language and to adopt language that verification of eligibility to the RM program is accessed through the EBT card.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.
4. Federal Funding to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

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STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, and 18904, Welfare and Institutions Code. Subject regulations implement and make specific 7 CFR 274.12(h)(3).

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Robin Garvey (916) 657-2586
Backup: Sandra Ortega (916) 657-2586

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA No. 2080-2007-024-02

PROJECT: Geotechnical Investigations for the I-80 Across the Top Bus/Carpool Lane
LOCATION: Sacramento County
NOTIFIER: California Department of Transportation

BACKGROUND

The California Department of Transportation ("Caltrans") proposes to construct additional lanes in the median of Interstate 80 ("I-80") in Sacramento County from just east of the Sacramento River eastwards to Longview Drive. This would include the construction of auxiliary lanes in the eastbound and westbound shoulders between West El Camino Avenue and the Interstate 5 interchange, and between Northgate Boulevard and Norwood Avenue. The existing over-crossing structure over the Natomas East Main Drainage Canal ("NEMDC") would be widened, requiring the placement of eight new 5-foot by 3.5 foot oblong columns in the NEMDC channel, outside of Steelhead creek. Prior to the construction of the NEMDC over-crossing structure, geotechnical test drilling must be conducted to assess substrate conditions. This activity is proposed to occur over a two-week period between July 1 and October 1, 2007, when the NEMDC channel is dry. The test drilling would require a maximum of six 4-inch diameter, vertical mud rotary soil boreholes, two or three of which would be drilled in the NEMDC channel, between Steelhead Creek and the eastern levee. The other boreholes would be located on the west and east levee roads and one of the existing access roads, east of the railroad tracks. Drilling equipment would access the NEMDC channel via an existing access road, located off of the east levee and just north of I-80. Some vehicles may be driven down the levee slope. This Consistency Determination only addresses impacts and potential take of giant garter snake ("GGS"; *Thamnophis gigas*) for the geotechnical investigations ("test drilling") portion of the proposed project ("Project").

Suitable upland and aquatic GGS habitat exists on-site within the areas described above. These features were determined to be GGS habitat because the project is partially within the high-watermark of steelhead

creek, which is known GGS aquatic habitat, and within adjacent upland locations, and there are numerous known GGS records which have been reported within Sacramento County and notably within the Natomas Basin; the nearest record is located approximately 2.5 miles northwest of the proposed project site. Because of the presence of on-site suitable habitat, the GGS is reasonably certain to occur within the project location. Therefore, take of GGS might potentially occur. Project construction would temporarily affect a relatively small area of GGS habitat comprised of six 4-inch holes and vehicle access to the holes. However, upon Project completion Caltrans will enhance the quality of upland habitat beyond pre-project conditions through on-site habitat restoration. All Project components, including post-construction habitat restoration, will be completed within one season. Construction and restoration activities are expected to begin immediately and be completed by October 1, 2007.

Because of the Project's potential for take of the listed GGS, the U.S. Army Corps of Engineers consulted with the U.S. Fish and Wildlife Service ("Service"), as required by the Endangered Species Act ("ESA") (16 U.S.C. § 1531 *et seq.*). On August 9, 2007, the Service issued a letter (Service file No. 1-1-07-F-0111) appending the Service's January 24, 2005 *Programmatic Biological Opinion on the Effects of Small Highway Projects on the Threatened Giant Garter Snake in Butte, Colusa, Glenn, Sacramento, San Joaquin, Solano, Sutter, Yolo, and Yuba Counties, California* (Service file No. 1-1-03-F-0154; "Programmatic BO"). The append letter also describes Project actions and requires Caltrans to adhere to the minimization and mitigation measures set forth in the Programmatic BO. Because the GGS is also listed as a threatened species under the California Endangered Species Act, Fish and Game Code section 2050 *et seq.* ("CESA"), on August 10, 2007, the Director of the Department of Fish and Game ("DFG") received a notice from Caltrans pursuant to Fish and Game Code Section 2080.1, requesting a determination that the Programmatic BO, including its incidental take statement ("ITS") is consistent with CESA for purposes of the Project.

DETERMINATION

DFG has determined that the Programmatic BO, including the ITS, is consistent with CESA as to the proposed geotechnical investigations in the NEMDC because the mitigation measures contained in the Programmatic BO and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). Specifically, DFG finds that the measures identified in the Programmatic BO will minimize and fully miti-

gate the Project's potential impacts on the GGS. These measures include, but are not limited to, the following:

1. Construction will occur between July 1 and October 1 of one construction season when GGS are more active and are therefore more able to avoid danger.
2. The Project will only occur over one season, and Caltrans shall restore areas disturbed by the Project to pre-project conditions by replanting any disturbed soil surfaces to prevent erosion. Caltrans shall monitor the site and provide the Service and DFG a vegetation restoration monitoring report no later than June 1, 2008 documenting vegetation establishment in all disturbed areas. The Service may require Caltrans to perform remedial actions to restore vegetation on these sites in the event that these areas do not contain sufficient cover, in accordance with the August 9, 2007 Federal append letter, and January 24, 2005 Programmatic BO.
3. A worker awareness training program for construction personnel will be conducted to instruct construction personnel regarding the life history and status of the GGS, and the need to avoid habitat damage and GGS mortality.
4. An on-site monitoring biologist will survey the project area 24 hours prior to commencement of construction activities. If a GGS is encountered during construction, activities shall cease until appropriate corrective measure have been completed or it has been determined that the GGS will not be harmed.
5. Caltrans shall adhere to the conservation measures and term and conditions described in January 24, 2005 Programmatic Biological Opinion (Service file No. 1-1-03-F-0154) and the August 9, 2007 append letter (Service file No. 1-1-07-F-0111).

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of GGS for the Project, provided Caltrans implements the Project as described in the append letter and complies with the mitigation measures and other conditions described in the Programmatic BO. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the append letter or the Programmatic BO, Caltrans will be required to obtain a new consistency determination or a CESA incidental take permit from DFG. This determination is limited to consistency of the Programmatic BO as applied specifically to the subject Project, and does not cover other activities that might be appended to the Programmatic BO in the future. Separate determination(s)

or take authorization(s) must be obtained for future activities that may result in take of CESA-listed species.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2007-023-05

PROJECT: Rosemary's Mountain Quarry and Associated State Route 76 Expansion Project

LOCATION: San Diego County

NOTIFIER: Ted N. Lee, Jones & Stokes, on behalf of Granite Construction Company

BACKGROUND

Granite Construction Company proposes to construct and operate a rock quarry, aggregate processing plant, and asphalt plant on 38 acres of a 96.4 acre site on the north side of State Route (SR) 76, approximately 1.25 miles east of Interstate 15 (I-15). Activities include site preparation activities including vegetation removal, blasting, and fencing, mining operations over the 20 year life of the project including blasting and truck loading, and processing activities including crushing, screening, and mixing. Associated activities include construction of a waterline and widening of SR 76 from approximately 30 feet wide to approximately 64 feet wide from the quarry site to the I-15 intersection. Collectively, these activities are defined as the Project.

The Project will result in direct impacts to 1.6 acres of riparian habitat and indirect impacts to 12.0 acres of riparian habitat from vegetation removal and elevated noise levels from haul-truck activity and final road alignment. This acreage has been identified as suitable habitat for least Bell's vireo (*Vireo pusillus bellii*, vireo) and southwestern willow flycatcher (*Empidonax traillii extimus*, flycatcher), species listed as endangered pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act (CESA) (Fish and Game Code § 2050 *et seq.*). The United States Fish and Wildlife Service (Service) estimates that approximately three pairs of vireo and one pair of flycatchers will be harmed by the direct and indirect impacts of the project, including impacts due to habitat loss and degradation, and impacts due to impaired nesting activities and breeding success caused by increased noise levels.

Because the Project has the potential to take a species listed under the ESA, the U.S. Army Corps of Engineers consulted with the Service, and on June 27, 2007, the Service issued a Biological Opinion (FWS-SDG-4081.7) for the Project which describes the Proj-

ect, including Project features developed to minimize impacts to the vireo and flycatcher, and sets forth measures to mitigate 2007, the Director of the Department of Fish and Game (Department) received correspondence from Jones & Stokes, on behalf of Granite Construction, requesting a determination pursuant to section 2080.1 of the Fish and Game Code that the Biological Opinion, including its incidental take statement (ITS), is consistent with CESA.

DETERMINATION

The Department has determined that the Biological Opinion, including its ITS, is consistent with CESA, because the mitigation measures in the Opinion meet the conditions set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), for authorizing the incidental take of CESA-listed species. Specifically, the Department finds that the take of vireo and flycatcher will be incidental to an otherwise lawful activity (*i.e.*, removal of vegetation and operation of the quarry), the mitigation measures identified in the Biological Opinion and required by the ITS will minimize and fully mitigate the impacts of the authorized take of vireo and flycatcher, and the Project will not jeopardize the continued existence of the species. The mitigation measures in the Biological Opinion include, but are not limited to, the following.

1. Nest Avoidance: Where feasible, clearing and grubbing will occur outside of the vireo and flycatcher nesting season (March 15–September 15). If activities will occur during the nesting season, an approved monitoring biologist will perform focused surveys and ensure that no activities occur within 500 feet of identified vireo or flycatcher nests.
2. Construction monitoring: An approved monitoring biologist will be onsite weekly during clearing and grubbing to ensure compliance with conservation measures and to perform required surveys, oversee fence installation and inspection, monitor dust suppression activities, and perform worker-awareness training.
3. Habitat Compensation: Project-related impacts to riparian habitat used by vireo and flycatcher will be offset by the restoration, creation, and/or enhancement of 16.8 acres (3:1 for direct impacts and 1:1 for indirect impacts) of willow riparian habitat within the San Luis Rey River corridor on the Fisher Gift Trust Parcel. Granite Construction will record a conservation easement over the compensation habitat and establish a permanent non-wasting endowment based on a Property Analysis Record (PAR) and approved by the

Service for the management of the compensation habitat in perpetuity.

4. At least 30 days prior to initiating project activities, Granite Construction will provide final wetland creation/restoration/enhancement plans to the Service that include, among other things, grading, planting, and irrigation plans, an implementation schedule, five years of success criteria, monitoring schedules, and contingency measures.
5. Granite Construction will conduct a cowbird trapping program within the portions of the San Luis Rey River and Horse Ranch Creek adjacent to the project area, as well as within the habitat compensation area identified above. A detailed cowbird trapping program will be submitted to the Service for concurrence at least 30 days prior to initiating project activities.

Based on this consistency determination, Granite Construction does not need to obtain authorization from the Department under CESA for take of vireo and flycatcher that occurs in carrying out the Project, provided Granite Construction complies with the mitigation measures and other conditions described in the Biological Opinion and ITS. However, if the Project as described in the Biological Opinion, including the mitigation measures therein, changes after the date of the Opinion, or if the Service amends or replaces that Opinion, Granite Construction will need to obtain from the Department a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2081).

DEPARTMENT OF FISH AND GAME

INCONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080-2007-025-05

PROJECT: Prima Deshecha Landfill Project
LOCATION: Orange County, California
NOTIFIER: County of Orange Integrated Waste Management Department

BACKGROUND

The County of Orange Integrated Waste Management Department (IWMD) proposes to continue landfill operations at its 1,530-acre property near San Juan Capistrano in Orange County, California (Project).

Landfill activities proposed under the Project include refuse disposal and management activities on a 699-acre portion of the property. As part of the Project, IWMD proposed to manage and enhance habitat on the landfill's 530.7-acre Supplemental Open Space (SOS) area.

Implementation of the Project will result in take of thread-leaved brodiaea (*Brodiaea filifolia*)(brodiaea) from IWMD's proposed transplantation of several brodiaea individuals from an area identified for landfill activities to the SOS area. IWMD also proposes to manage the transplanted brodiaea on the SOS area in accordance with a management plan dated July 12, 2007. Brodiaea is listed as threatened under the federal Endangered Species Act ("ESA") (16 U.S.C. § 1531 et seq.) and endangered under the California Endangered Species Act ("CESA") (Fish & G. Code, § 2050 et seq.). IWMD's landfill activities, including translocation of brodiaea to the SOS area, are authorized by the U.S. Fish and Wildlife Service's (Service) issuance of an incidental take permit (ITP) to Orange County for the Southern Orange Natural Community Conservation Plan/ Master Streambed Alteration Agreement/Habitat Conservation Plan (HCP). Additionally, the Service issued a "no jeopardy" Biological Opinion (1-6-07-F-812.8)(BO) on January 10, 2007 for the HCP, in which impacts to brodiaea are identified and analyzed. The Service BO and ITP describe Project actions and incorporate by reference all conservation measures listed in the HCP for take avoidance, minimization, and mitigation for impacts to brodiaea as well as other federally-and state-listed species.

On July 30, 2007, the Director of the Department of Fish and Game (Department) received a request from IWMD pursuant to section 2080.1 of the Fish and Game Code, requesting a determination that the translocation of brodiaea in accordance with the management plan is consistent with CESA. IWMD submitted with its request copies of the management plan and pages 146-156 of the BO. On August 16, 2007, the Department notified IWMD via electronic mail that the Department could not issue a determination based on the information provided by IWMD because the request did not include a copy of the ITP or incidental take statement (ITS), and that, to the extent IWMD did provide information, including the proposed management plan, the Department had identified substantive deficiencies and would not be able to issue a consistency determination. On August 27, 2007, the Department received the remainder of the BO, including the ITS, from IWMD, along with a reiteration of its request that the Department issue a consistency determination based on the request received on July 30, 2007.

DETERMINATION

The Department has determined the ITS (1-6-07-F-812.8) for the HCP, specifically as it pertains to incidental take of brodiaea at the Prima Deshecha Landfill, is not consistent with CESA, because the mitigation measures described in the BO, ITS, and HCP do not meet the conditions set forth in Fish and Game Code section 2081 (b) and (c) for authorization of incidental take of CESA-listed species. Specifically, DFG has determined that:

1. Pursuant to section 2080.1 of the Fish and Game Code, the Department may authorize incidental take of endangered, threatened, or candidate species by finding that a federal ITS or ITP is consistent with CESA. Incidental take of brodiaea is not discussed, analyzed, or authorized in the ITS (pages 431-464), and the Department did not receive a copy of the ITP; therefore, the Department cannot make a determination of consistency.
2. The BO (and by incorporation, the HCP) requires IWMD to implement a "management plan approved by the Service" (BO, p. 153). The Department has reviewed the July 12, 2007 version of the management plan and has determined it does not meet the conditions required by Fish and Game Code section 2081(b) (CESA issuance criteria) for authorizing take of CESA-listed species. Specifically, CESA issuance criteria related to funding assurances require that applicants ensure adequate funding to implement all required minimization and mitigation measures as well as funding to implement all compliance and effectiveness monitoring (Fish & G. Code, § 2081, subd. (b)(4)). Although Department staff and IWMD have been in communication regarding funding requirements for over a year, commitments contained in the management plan do not sufficiently ensure adequate funding as required by CESA.

For these reasons, the Department has determined there is substantial evidence that the BO (1-1-07-F-812.8), including its ITS, is not consistent with CESA as it pertains to incidental take of brodiaea by IWMD during landfill operations because it does not ensure that the impacts to brodiaea will be minimized and fully mitigated. Pursuant to section 2080.1(c) of the Fish and Game Code, with this determination a section 2081(b) incidental take permit must be obtained for any incidental take of brodiaea as a result of the activities proposed under the Project.

MEDICAL BOARD OF CALIFORNIA

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the Medical Board of California is extending the public comment period concerning Oral and Written Arguments (Title 16, CCR, Sections 1364.30 and 1364.32) until October 23, 2007. These proposed regulations are available in the board's website: www.mbc.ca.gov/Regulations_Proposed.htm.

Any interested person, or his or her authorized representative, may submit written comments no later than 5:00 p.m. on October 23, 2007 to:

Name: Janie Cordray
 Address: Medical Board of California
 1426 Howe Avenue, Suite 92
 Sacramento, CA 95825
 Telephone No.: (916) 263-2389
 Fax No.: (916) 263-2387
 E-mail Address: regulations@mbc.ca.gov

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

STATE OF CALIFORNIA
 ENVIRONMENTAL PROTECTION AGENCY
 OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 SAFE DRINKING WATER AND TOXIC
 ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO
 CAUSE CANCER OR REPRODUCTIVE
 TOXICITY
 SEPTEMBER 28, 2007

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout

were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
<u>Anthraquinone</u>	<u>84-65-1</u>	<u>September 28, 2007</u>
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Benzofuran	271-89-6	October 1, 1990
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol	56-75-7	October 1, 1989
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	13010-47-4	January 1, 1988
(Lomustine)		
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para-Cresidine	120-71-8	January 1, 1988
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4' -Diaminodiphenyl ether (4,4' -Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3' -Dichlorobenzidine	91-94-1	October 1, 1987
3,3' -Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3' -Dichloro-4,4' -diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloropropene	542-75-6	January 1, 1989
Dieldrin	60-57-1	July 1, 1988
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3' -Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3' -Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3' -Dimethoxybenzidine-based dyes metabolized to 3,3' -dimethoxybenzidine	—	June 11, 2004
3,3' -Dimethylbenzidine-based dyes metabolized to 3,3' -dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3' -Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3' -Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988

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Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
Fumonisin B ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Ganciclovir sodium	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998

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3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Monocrotaline	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7;	October 1, 1989
	12125-56-3	
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988

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2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o-Phenylphenate, sodium	132-27-4	January 1, 1990
o-Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono-t-butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Treosulfan	299-75-2	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridiny)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminogluthethimide	developmental	125-84-8	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4 DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Di- <i>n</i> -hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
<i>m</i> -Dinitrobenzene	male	99-65-0	July 1, 1990
<i>o</i> -Dinitrobenzene	male	528-29-0	July 1, 1990
<i>p</i> -Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
Ethylene thiourea	developmental	96-45-7	January 1, 1993
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolid	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir sodium	developmental, male	82410-32-0	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meproamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791-04-5	April 1, 1990
	male	36791-04-5	February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30, 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: September 28, 2007

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES
September 28, 2007**

**CHEMICAL LISTED EFFECTIVE
September 28, 2007
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is adding *anthraquinone* (CAS No. 84-65-1) to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5 et seq., commonly known as

Proposition 65). The listing of *anthraquinone* is effective September 28, 2007.

Anthraquinone (CAS No. 84-65-1) is being listed as a chemical known to the State of California to cause cancer. The listing of this chemical is based on formal identification by an authoritative body (i.e., the National Toxicology Program (NTP)), that the chemical causes cancer. The criteria used by OEHHA for the listing of chemicals under the “authoritative bodies” mechanism can be found in Title 22, Cal. Code of Regs., section 12306.

The reader is directed to the Notice of Intent to List *Anthraquinone* (CAS No. 84-65-1) published in the July 21, 2006 issue of the *California Regulatory Notice Register* (Register 2006, No. 29-Z) for the documentation supporting OEHHA’s determination that the criteria for administrative listing have been satisfied for this chemical.

OEHHA analysis of dose-response data to establish the no significant risk level (NSRL) for *anthraquinone* (CAS No. 84-65-1) under Proposition 65 has not yet been conducted. The priority status for the development of such analysis will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
Anthraquinone	84-65-1	cancer	A B

¹ Listing mechanism: AB — “authoritative bodies” mechanism (Title 22, Cal. Code of Regs. section 12306)

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CONSERVATION

September 12, 2007

Mr. Leonard Lang
Upper Room Consulting, Inc.
4103 Larwin Avenue
Cypress, CA 90630-4128

Dear Mr. Lang:

PETITION CONCERNING THE SUBMITTAL BY RECYCLING CENTERS OF CONSUMER TRANSACTION RECEIPTS AND LOGS

Thank you for your petition dated August 17, 2007 and received electronically by the Department of Conservation, Division of Recycling (Division) regarding your request to amend regulations related to the beverage container recycling program. The Division appreciates the interest and concern you have expressed in this petition.

Pursuant to Government Code Sections 11340.6 and 11340.7 of the California Administrative Procedure Act, your petition to amend Chapter 5 of Division 2 of Title 14 of the California Code of Regulations is denied.

You have requested that the Division specify guidelines and criteria to enforce Public Resources Code Section 14573.7. This section gives the Division the authority to require a recycling center, pursuant to a prepayment review, to submit consumer transaction logs and consumer transaction receipts as support documentation for shipping reports submitted to processors. This section also gives the Division the authority to authorize a processor to withhold refund value payments to a recycling center. Your petition requests a change in regulations to specify a time line within which the Division must act on each claim for which receipts and logs are required. Your petition also requested a change in regulations to specify how a recycling center is relieved from the receipts and logs requirement. You believe the receipts and logs requirement in Section 14573.7 of the California Beverage Container Recycling and Litter Reduction Act has created hardships for some recyclers and processors, especially when payments are denied for consecutive shipments. Your petition stated that the practice of putting a recycling center on the receipts and logs requirement appears arbitrary.

The Division does not place a recycling center on prepayment review arbitrarily. After supervisory approval,

prepayment controls are imposed on recycling centers for the following reasons:

- Strong indications of falsification and/or blatant recordkeeping violations
- Violations of claiming or reporting procedures
- Ineligible material in loads (e.g. out-of-state)
- Recycler refused to allow the Division access to facilities, operations, or program records

The above violations often signify a threat to the California Beverage Container Recycling Fund and prepayment control is a necessary tool to prevent improper payments. Prepayment reviews require a recycler to provide the Division advance notice of a shipment and access to consumer purchase records to support each claim. Certified recyclers are required to prepare and maintain these purchase records. The only additional requirement of a recycler on prepayment controls is notifying the Division of an impending shipment. Ninety-five percent of claims subject to prepayment review are approved within 48 hours under the Division's current implementation of prepayment controls; well within your proposal of three days. Only claims with fraud indicators are placed on hold pending forensic review. A recycler whose records and claims are in compliance would not be forced to "go out of business" due to prepayment review requirements. Your proposal to notify a recycler within two working days of a denied claim is unreasonable. Due to limited staffing, only a small percentage of claims are placed on hold pending review. Claims recommended for denial due to indicators of fraud are reviewed by the auditor, a forensic document reviewer, and the supervisor. The Division understands the impact that denial of a claim could have on a recycler. However, requiring the Division to take action on suspect claims within an arbitrary deadline of 48 hours may negatively impact the review process and result in the approval of payments for fraudulent claims.

You also proposed to limit the period a recycler is on prepayment review to 30 consecutive, or 90 nonconsecutive days. Currently, a recycler may be on prepayment controls for more than 30 days because substantive violations have occurred, and an investigation is in progress. In addition, a recycler may also remain on prepayment review for more than 30 days when an investigation has been completed, and the case is awaiting administrative hearing or criminal trial. Relieving a fraudulent recycler from prepayment controls after a 30 day period would open the door to repeat fraudulent claims while the Division completes its investigation.

The Division's application of the current statutes and regulations is fair and effective, and the proposed changes would render prepayment control ineffective in deterring fraud. The proposed changes would also issue a free pass to fraudulent recyclers awaiting hearing or trial.

If you have any questions regarding the rulemaking process, please feel free to contact me directly at (916) 323-6029, or you make contact Kent Harris, Legislation and Regulations Unit Supervisor, at (916) 324-3209.

Sincerely,

/s/
Stephen M Bantillo
Assistant Director for Recycling

OAL REGULATORY DETERMINATIONS

DEPARTMENT OF JUSTICE, BUREAU OF FIREARMS

OFFICE OF ADMINISTRATIVE LAW

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

(Pursuant to title 1, section 270, of the
California Code of Regulations)

*The Office of Administrative Law is
publishing the following petition as
submitted to us by the petitioner.*

Agency being challenged:

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Peggy Gibson, Staff Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Gene Hoffman, Jr.
751 Sylvan Way
Emerald Hills, CA 94062

hoffmang@hoffmang.com

Agency contact:

Jeff Amador, Field Representative
Bureau of Firearms
P.O. BOX 820200
Sacramento, CA 94203-0200

jeffamador@doj.ca.gov

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Attention: Chapter 2 Compliance Unit

Petition to the Office of Administrative Law

Re: “‘IMPORTANT NOTICE’ California Department of Justice Information Regarding the Sale/Possession of Unnamed AR-15/AK 47 ‘Series’ Firearms”

From: Gene Hoffman, Jr.

Date: July 11, 2007

1. Identifying Information:

Gene Hoffman, Jr.
751 Sylvan Way
Emerald Hills, CA 94062
650-298-9122
hoffmang@hoffmang.com

2. State agency or department being challenged:

California Department of Justice, Bureau of Firearms (“BOF”)

3. Description of the Underground Regulation and the Department Action By Which it was Issued

A document entitled “IMPORTANT NOTICE California Department of Justice Information Regarding the Sale/Possession of Unnamed AR-15/AK 47 ‘Series’ Firearms” available from the California Department of Justice, Bureau of Firearms homepage and more specifically located at: <http://ag.ca.gov/firearms/forms/pdf/AWpolicyrev4.pdf> (Attachment A hereto) (hereinafter, “Important Notice”) published on or about May 9, 2006.

4. The Legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code and that no express statutory exemption to the requirements of the APA is applicable:

The California Administrative Procedure Act, California Government Code § 11400 et seq., defines “regulation” to mean “every rule, regulation, order, or standard of general application . . . adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it . . .” § 11342.600.

Furthermore, “[a] regulation subject to the APA . . . has two principal identifying characteristics. . . . First, the agency must **intend its rule to apply generally**, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. . . . Second, the rule must **‘implement, interpret, or make specific’** the law enforced or administered by the agency, or govern the agency’s procedure.” *Tidewater Marine Western, Inc. v. Bradshaw*, 14 Cal. 4th 557, 571 (1996) (emphasis added) (internal citations omitted).

A) The “Important Notice” is a Regulation

The “Important Notice” is a “regulation” within the meaning of § 11342.600, as it purports to generally inform law enforcement officials, firearm dealers and the public of requirements of Penal Code § 12276.1 and 11 C.C.R. 5469.¹

B) The “Important Notice” Applies Generally

This rule applies generally, since it applies to all owners and sellers of semi automatic centerfire rifles in the State, therefore satisfying the first element of *Tidewater*.²

C) The “Important Notice” Purports to Implement, Interpret and Make Specific California Penal Code § 12276.1

The “Important Notice” is an attempt to promulgate a completely new rule that requires owners of semiautomatic centerfire rifles that are modified to be **temporarily or currently** incapable of accepting detachable magazines (and have features listed in 12276.1) to **permanently** alter their rifle or face felony criminal prosecution.³

The rule as stated in the “Important Notice” thus attempts to interpret and make specific⁴ the definition of exactly which semiautomatic centerfire rifles are prohibited in the State by Penal Code § 12276.1 and 11

C.C.R. 5469, therefore satisfying the second element of *Tidewater*.

No express APA exemption in Government Code § 11340.9 applies to the “Important Notice” and there are no express exemptions to the APA for the BOF in the relevant Penal Code sections.⁵

5. Legal Basis for why the “Important Notice” is an underground regulation

A) Background

In 1999, the California Legislature passed SB–23⁶ which added a generic definition to the Assault Weapons Control Act in § 12276.1 of the Penal Code. This definition hinged on whether or not a semi-automatic centerfire rifle had a “detachable magazine” **and** any of a list of prohibited features (such as a pistol grip, collapsible stock or “flash hider”).

However, such prohibited features are perfectly legal under SB–23 as long as the rifle has a fixed magazine (i.e., does not have a “detachable magazine”).

To further define and implement the newly enacted provisions of SB–23, the BOF (then known as The Department of Firearms) conducted a regulatory process in compliance with the APA that resulted in the enactment of 11 C.C.R. 5469 (the “2000 Rulemaking”).

Part of this rulemaking process addressed the exact definition of fixed magazine vs. “detachable magazine”, as will be shown *infra*.

From 2000 to 2006, little changed regarding the enforcement of Penal Code § 12276.1 and 11 C.C.R. 5469. Then, in early 2006 certain firearms enthusiasts and firearms sellers realized the implications of the combined impact of *Harrot v. County of Kings* (2001) 25 Cal.4th 1138 and the expiration of the Federal Assault Weapons Ban, on California law.

Sellers and enthusiasts realized that they could legally import, buy, sell, and assemble rifles that were very similar (but not identical) to rifles that were considered “Assault Weapons” in California as long as they complied with Penal Code § 12276 (so called “named assault weapons”) and the feature restrictions in § 12276.1 as interpreted by 11 C.C.R. 5469.

As outlined above, the feature restrictions contained in §12276.1 prohibit, e.g. pistol grips, collapsible stocks and/or flash hidere **only** on rifles that have a “**detachable magazine**,” thus making the definition of what exactly constitutes a **fixed magazine** to be of paramount importance.

¹ “Law enforcement officials, firearm dealers and the public should be aware that semiautomatic centerfire rifles that are modified to be temporarily incapable of accepting detachable magazines, but can be restored to accommodate detachable magazines, are assault weapons if they have any of the features listed in § 12276.1(a)(1).” “Important Notice”, para 3 (emphasis added).

² The “Important Notice” purports to apply to all “[i]ndividuals who own firearms that meet the generic definition of assault weapons banned by SB 23.” “Important Notice”, para 4.

³ “Individuals who own firearms that meet the generic definition of assault weapons banned by SB 23 must do one of the following in order to comply with existing law: remove the features, sell the firearm (without the features), or **permanently alter** the firearm so that it cannot accept a detachable magazine.” “Important Notice”, para 4 (emphasis added).

⁴ “A semiautomatic centerfire rifle with the **capacity to accept** a detachable magazine and any of the generic features listed in Penal Code § 12276.1(a)(1) is contraband unless it was registered prior to January 1, 2001.” “Important Notice,” para 2 (emphasis added).

⁵ AB–2728 which passed in 2006 and became effective January 1, 2007 removed the only unrelated exception to the APA that the BOF had in the Penal Code relating to firearms.

⁶ Bill text and legislative history available at http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_23&sess=9900&house=B&author=perata.

In an attempt to make an end-run around the plain meaning of the law that defines fixed magazines, the BOF responded to this influx of new rifles with the “Important Notice.”

In effect, the “Important Notice” is an underground regulation purporting to interpret Penal Code § 12276.1 and 11 C.C.R. 5469 in a way that the legislature did not intend or require, and that the BOF knows or should have known is outside of the BOF’s *own previous interpretations* of Penal Code § 12276.1.

In fact, the “Important Notice” substantially changes the definition of fixed magazine, thereby turning tens of thousands of firearms owners who relied on the previous definition of a fixed magazine, into felons.⁷

B) The Current Definition of Fixed Magazine Does Not Require “Permanent Alteration”

In the 2000 Rulemaking, BOF promulgated the definition of “detachable magazine” as:

(a) “detachable magazine” means any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool.⁸

Issues with a type of rifle known as the “SKS” led to the definition of what would be considered a fixed magazine (and therefore not a “detachable magazine”) rifle subject to § 12276.1. The BOF stated in the *Final Statement of Reasons for the 2000 Rulemaking* (emphasis added):

Comment

A1.12 — The SKS rifle with a detachable magazine cannot be changed without using a bullet tip as a tool, thus the regulations conflict with the specific listing of SKS rifles with detachable magazines in the Roberti–Roos Assault Weapons Control Act. DOJ has no authority to contradict existing law.

Response

The Department disagrees with the comment because any magazine that requires the use of a bullet or any other tool for its removal is a **fixed magazine**, not a detachable magazine. The SKS with a true detachable magazine does not require a

bullet or any other tool to remove and is a controlled assault weapon under Penal Code section 12276. Identifying a bullet as a tool allows for the proper categorization of an SKS with a fixed magazine. **Therefore, the SKS referred to in the comment has a fixed, not detachable magazine.**⁹

There is no requirement in either Penal Code § 12276.1 or 11 C.C.R. 5469 that a rifle with a fixed magazine be **permanently altered** in any way. Quite the opposite is true, in fact. As outlined above, the BOF has clearly stated that rifles that required merely the use of a “bullet tip” to remove the magazine were nonetheless classified as having a fixed magazine.

Furthermore, if the intent of the legislature was to require that rifles be “**permanently altered**,” the statutory language would have said so. However, the statutory plain language of SB–23 makes no mention of “permanently altered” in § 12276.1(a)¹⁰.

In the *Final Statement of Reasons for the 2000 Rulemaking* the BOF itself reiterated that that modifications to semiautomatic rifles did not need to be “permanent.”

Comment

C5.04 — The firearm should have to be **permanently modified** so that it lacks the capacity to accept a detachable magazine or any of the offensive features in order for the Department to accept cancellation of a registration.

Response

The Department disagrees with the comment. Registration cancellation is not exclusive to modification of the firearm, **nor does the Department believe permanent modification** is required.¹¹

(emphasis added)

Paragraphs 3 and 4 of the “Important Notice” now purport to interpret both Penal Code § 12276.1 (a) (1) and 11 C.C.R. 5469 by adding a new test of whether a modification to a rifle is **temporary** or **permanent** to the test of whether a rifle has a detachable magazine (and is therefore regulated by Penal Code § 12276.1).

Paragraphs 3 and 4 of the “Important Notice” state:

⁹ *Final Statement of Reasons for the 2000 Rulemaking*, <http://ag.ca.gov/firearms/regs/fsor.pdf>, Attachment A pg.2.

¹⁰ Compare that with the definitions applicable to “large-capacity magazines” passed concurrently in SB–23; § 12276.1.(d)(2) “Capacity to accept more than 10 rounds” shall mean capable of accommodating more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

¹¹ *Ibid.* Attachment A pg. 36

⁷ Penal Code § 12280.(a)(1) Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon or any .50 BMG rifle, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for four, six, or eight years.

⁸ Title 11 California Code of Regulations 5469(a)

Law enforcement officials, firearm dealers and the public should be aware that semiautomatic centerfire rifles that are **modified to be temporarily incapable of accepting detachable magazines, but can be restored to accommodate** detachable magazines, are assault weapons if they have any of the features listed in §12276.1(a)(1). The Department intends to exercise its power pursuant to Penal Code section 12276.5(i) to adopt regulations as “necessary or proper to carry out the purposes and intent” of California law to ban assault weapons in the state. Individuals who own firearms that meet the generic definition of assault weapons banned by SB 23 must do one of the following in order to comply with existing law: remove the features, sell the firearm (without the features), or **permanently alter** the firearm so that it cannot accept a detachable magazine.

(emphasis added)

This is the **exact opposite** of what the BOF has earlier stated in the Final Statement of Reasons for the 2000 Rulemaking, and is in direct conflict with the law as written.

It is black letter law that an administrative agency may not alter, extend, limit, or enlarge a statute that it administers (*First Industrial Loan Co. v. Daugherty* (1945) 26 Cal.2d 545, 550.) The BOF’s attempt to add a new test of whether a rifle is “**temporarily incapable**” of accepting a detachable magazine (vs. “**permanently altered**”) is thus an impermissible attempt to enlarge the number and types of rifles controlled by Penal Code §12276.1 and §12280(a)(1)&(2) while directly contradicting existing law and previous BOF opinions.

Therefore, the “Important Notice” should be removed from BOF’s website and no further attempt to issue or enforce a new definition of rifles controlled by Penal Code § 12276.1 should be attempted without opening a new APA compliant proposed regulation process.

6. The petition raises an issue of considerable public importance requiring prompt resolution.

Various estimates place the number of newly imported semiautomatic centerfire rifles during the past 18 months at between 30,000 to more than 50,000 rifles.¹³ Owners and sellers of these rifles are now unclear whether they can simply follow the law **as written** in the Penal Code and the C.C.R. or whether they have to take **additional and expensive steps** to modify their rifles comply with the law. Some rifle owners already

have been arrested and their cases have taken additional time and expense for both citizens and District Attorneys to resolve due to confusion caused by the BOF’s underground regulation of Penal Code §12276.1(a)(1) and 11 C.C.R. 5469¹⁴.

Of additional concern are the rifle owners who relied upon the 2000 Rulemaking to clarify whether they actually had to register their rifles as assault weapons based on the definition in 11 CCR, Section 5469(a)¹⁵. Those who took the plain language of the law to mean that they did not have to permanently alter their rifle did not take the opportunity to register during the limited window of time in 2000, as they thought their rifles were exempt (since those rifles had a fixed magazine).

They now are in a constitutionally difficult position as they are either unintentional felons or are forced by the BOF’s underground regulation to make permanent and expensive changes to their property (and be deprived thereof in contravention to their 5th Amendment rights and their right to be free from “*ex-post-facto*” law).

As outlined above, the “Important Notice” most certainly meets the criteria of an underground regulation. The “Important Notice” specifically and directly contradicts existing law. The “Important Notice” contradicts the BOF’s own legitimately adopted regulations and previous statutory interpretation.

Furthermore, should the “Important Notice” be enforced, it contradicts individual rights under both the Federal Constitution and the Constitution of the State of California, and turns thousands of otherwise law-abiding California citizens into felons.

7. Attachments

Exhibit A hereto is a true and correct copy of the “Important Notice” available from: <http://ag.ca.gov/firearms/forms/pdf/AWpolicyrev4.pdf>.

8. Certification

I certify that I have submitted a copy of this petition and all its attachments to:

William Cid
Director
Bureau of Firearms
4949 Broadway
Sacramento, CA 95820
916-263-4887

I certify that all of the above information is true and correct to the best of my knowledge.

¹³ See <http://www.recordnet.com/apps/pbcs.dll/article?AID=/20060410/NEWS01/604100333>, and http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_2701-2750/ab_2728_cfa_20060829_231230_asm_floor.html

¹⁴ See for example *People v. Matthew Corwin*, Case No. GA069547, Los Angeles Superior Court

¹⁵ Title 11 CCR 5469, “detachable magazine” means any ammunition feeding device that can be removed readily from the firearm with neither disassembly of the firearm action nor use of a tool being required. A bullet or ammunition cartridge is considered a tool. . .

/s/

Gene Hoffman, Jr.

July 11, 2007

Date

ATTACHMENT A

IMPORTANT NOTICE

**California Department of Justice
Information Regarding the Sale/Possession
of Unnamed AR-
15/AK 47 "Series" Firearms**

The Department of Justice (hereafter "the Department") has received numerous inquiries from the public and firearms industry personnel about the legality of various AR-15/AK 47 "series" style firearms that have not been named by the Department as "series" assault weapons. The Department believes that the public and law enforcement are best served by reference to the generic definition of assault weapons set forth in SB 23, rather than reliance upon a scheme of identifying assault weapons by name. Therefore, the Department will not update the list of "series" assault weapons.

SB 23 has banned the possession, sale and manufacture of firearms with the characteristics of assault weapons as defined in California Penal Code § 12276.1 since January 1, 2000. A semiautomatic centerfire rifle with the capacity to accept a detachable magazine and any of the generic features listed in Penal Code § 12276.1(a)(1) is contraband unless it was registered prior to January 1, 2001. It is illegal to manufacture, cause to be manufactured, distribute, transport, import, keep for sale, offer or expose for sale, give or lend such a weapon, except as permitted by law.

Law enforcement officials, firearm dealers and the public should be aware that semiautomatic centerfire rifles that are modified to be temporarily incapable of accepting detachable magazines, but can be restored to accommodate detachable magazines, are assault weapons if they have any of the features listed in § 12276.1(a)(1). The Department intends to exercise its power pursuant to Penal Code section 12276.5(i) to adopt regulations as "necessary or proper to carry out the purposes and intent" of California law to ban assault weapons in the state.

Individuals who own firearms that meet the generic definition of assault weapons banned by SB 23 must do one of the following in order to comply with existing law: remove the features, sell the firearm (without the

features), or permanently alter the firearm so that it cannot accept a detachable magazine.

It remains illegal to possess assault weapons banned by name (either in statute or regulation), unless those assault weapons are registered and possessed in accordance with state law. The time limits for registration, which depend on the make and model of the assault weapon, are set forth in Penal Code § 12285.

**DEPARTMENT OF JUSTICE, BUREAU
OF FIREARMS**

OFFICE OF ADMINISTRATIVE LAW

**SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

On July 12, 2007, the Office of Administrative Law (OAL) received a petition challenging a document titled "Important Notice" which was posted on the Department of Justice website. OAL accepted the petition for consideration on September 11, 2007.

On September 20, 2007, the Department of Justice certified pursuant to California Code of Regulations, title 1, section 280, that it would not issue, use, enforce, or attempt to enforce the document; therefore, pursuant to section 280 OAL must suspend all action on this petition.

CERTIFICATION

I, EDMUND G. BROWN Jr., Attorney General, hereby certify:

1. The California Department of Justice received notice that Gene Hoffman, Jr. had filed a petition with the Office of Administrative Law (OAL) alleging that a document entitled "Important Notice" which was posted on the website maintained by the Bureau of Firearms within the California Department of Justice constituted an "underground regulation." A copy of the petition is attached hereto as Exhibit A.
2. The California Department of Justice will not issue, use, enforce, or attempt to enforce the policy at issue as a rule of general application, but reserves the right to interpret the law in any case that may arise in the course of a case-specific adjudication, as authorized in *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557, 572.

/s/

EDMUND G. BROWN Jr.
Attorney General

DATED: September 20, 2007

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Stationary Compression Ignition Engines ATCM

This regulatory action amends the existing Airborne Toxic Control Measure for Stationary Compression Ignition Engines (Stationary Diesel Engine ATCM) set forth in section 93115, title 17, California Code of Regulations (CCR) and replaces it with sections 93115.1 through 93115.15, title 17, CCR inclusive. These amendments establish emission performance standards and registration requirements for greater than 50 horsepower (hp) in-use stationary diesel agricultural engines, clarify and improve the implementation and enforcement of existing provisions for prime and emergency standby stationary diesel engines, and renumber the Stationary Diesel Engine ATCM to facilitate determining the applicability of requirements.

Title 17

California Code of Regulations

ADOPT: 93115.1, 93115.2, 93115.3, 93115.4, 93115.5, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.11, 93115.12, 93115.13, 93115.14, 93115.15 AMEND: 93115

Filed 09/18/07

Effective 10/18/07

Agency Contact: Alexa Malik (916) 322-4011

AIR RESOURCES BOARD

PERP Program and ATCM Regulations

This Certificate of Compliance, filed with the Secretary of State on 9/12/07, permanently adopts these sections that had previously been adopted as emergency

regulations (OAL file nos. 07-0417-05E and 07-0417-06EE) dealing with the Statewide Portable Equipment Registration Program (PERP) and the Airborne Toxic Control Measure (ATCM) for diesel particulate matter (PM) from portable engines. The amendments to the PERP expand the definition of "resident engine," define Tier 1 and 2 engines, establish eligibility requirements for portable engines, recordkeeping and reporting requirements, and establish the fee schedule for compliance flexibility. The changes to the ATCM regulations create some limited compliance flexibility for engine dealers, distributors, operators and owners.

Title 13, 17

California Code of Regulations

ADOPT: 93116.3.1 of title 17 AMEND: 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, and 2462 of title 13, 93116.1, 93116.2, and 93116.3 of title 17 Filed 09/12/07

Effective 09/12/07

Agency Contact: Amy Whiting (916) 322-6533

BOARD OF BARBERING AND COSMETOLOGY

Summary of Suspensions

Adoption to Title 16 California Code of Regulations of sections 973, 973.1, 973.2, 973.3, 973.4, 973.5, and 973.6 to establish the procedure for the disciplinary suspension authorized by AB 409 (Chapter 381, Statutes 2008) which was enacted with an urgency clause. AB 409 authorizes disciplinary action toward licensees and establishment owners that do not abide by health and safety laws relating to foot spa safety and other health and safety laws. Specifically, AB 409 provides for immediate temporary suspension and probation of licensees. This rulemaking establishes the grounds for suspension, procedures for issuing suspensions, contents of the suspension Notice, terms and conditions of probation, the contents of remedial training, and the appeal process for challenging the suspension and probation.

Title 16

California Code of Regulations

ADOPT: 973, 973.1, 973.2, 973.3, 973.4, 973.5, 973.6

Filed 09/17/07

Effective 09/17/07

Agency Contact: April Oakley (916) 575-7102

DEPARTMENT OF FOOD AND AGRICULTURE

Oak Mortality Disease Control

This Certificate of Compliance makes permanent the prior emergency regulatory action (OAL file no. 07-0301-01E) that modified the existing oak mortality disease control regulation by establishing 12 plants as

additional bole hosts covered by the regulation, changing the regulatory status of two plant genera as hosts being covered by the regulation (the entire genera of *Kalmia* and *Pieris* including all species, hybrids and cultivars), and adding four plant species to the list of associated articles (nursery stock).

Title 3

California Code of Regulations

AMEND: 3700(c)

Filed 09/19/07

Effective 09/19/07

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE

Oak Mortality Disease Control

This emergency action modifies the existing oak mortality disease control regulation by adding two new plant species to the list of hosts or potential carriers of the disease, changing the regulatory status of two plant genera (*Garrya elliptica* (silk tassel tree, coast silk tassel) and *Mahonia aquifolium* (Oregon grape) pursuant to the federal order which added these two species to its list.

Title 3

California Code of Regulations

AMEND: 3700(c)

Filed 09/12/07

Effective 09/12/07

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit Fly Interior Quarantine

This emergency regulatory action establishes a quarantine area for the Mediterranean fruit fly of approximately 114 square miles surrounding the Dixon area of Solano County.

Title 3

California Code of Regulations

AMEND: 3406(b)

Filed 09/17/07

Effective 09/17/07

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE

Health Care Language Assistance Program

This is the resubmission of an action that adopts regulations to make specific the obligation of a health insurer under Insurance Code sections 10133.8 and 10133.9, to develop a language assistance program and provide translation of documents and interpretation assistance to insured persons who have limited English proficiency in accordance with the program.

Title 10

California Code of Regulations

ADOPT: 2538.1, 2538.2, 2538.3, 2538.4, 2538.5, 2538.6, 2538.7, 2538.8

Filed 09/19/07

Effective 10/19/07

Agency Contact: Elena Fishman (916) 492-3507

DEPARTMENT OF INSURANCE

California Low Cost Automobile Insurance Program Rates

This is an emergency regulatory action that establishes the uniform rates for the liability policy, uninsured motorists and medical payments coverage under the Low Cost Automobile Insurance Program, for the following counties: Amador, Butte, Calaveras, El Dorado, Humboldt, Kings, Lake, Madera, Marin, Mendocino, Napa, Placer, San Benito, Santa Cruz, Shasta, Solano, Sutter, Tuolumne, Yolo and Yuba. The California Low Cost Automobile Insurance Program is a statutorily required plan for equitable apportionment among insurers required to participate in the California Automobile Assigned Risk Plan (CAARP) for persons residing in the specified counties who are eligible to purchase a low cost automobile insurance policy through the program established in those counties. The establishment of the rates in these twenty counties is exempt from the APA and OAL's review pursuant to Government Code section 11340.9, subdivision (g); however, the expansion of the program into these twenty designated counties by emergency regulatory action is subject to the APA and OAL review. Insurance Code section 11629.79, subdivision (c), provides that the adoption of these regulations on an emergency basis "shall be considered by the [OAL] to be necessary for the immediate preservation of the public peace, health and safety, and general welfare."

Title 10

California Code of Regulations

AMEND: 2498.6

Filed 09/17/07

Effective 10/01/07

Agency Contact:

Mary Ann Shulman

(415) 538-4133

DEPARTMENT OF MOTOR VEHICLES

Ignition Interlock Device Program

Amendment to Title 13 California Code of Regulations of sections 125.02, 125.04, 125.08, 125.12, 125.16, 125.20 relating to the California Ignition Interlock Device (IID) Program to comply with AB 3045 (Chapter 835, Statutes 2006). The proposed rulemaking amends Title 13 to comply with the requirements of AB 3045, correct Vehicle Code citations which changed due to renumbering that occurred as a result of the pas-

sage of AB 3045 and incorporates by reference two verification of installation forms, DL 920 (REV 1/2007) and DL 922 (REV 1/2007).

Title 13

California Code of Regulations

AMEND: 125.02, 125.04, 125.08, 125.12, 125.16, 125.20

Filed 09/18/07

Effective 10/18/07

Agency Contact: Randi Calkins (916) 657-8898

DEPARTMENT OF PUBLIC HEALTH

Perchlorate in Drinking Water

The regulatory action deals with Perchlorate in drinking water

Title 22

California Code of Regulations

ADOPT: 64432.3, 64432.8 AMEND: 64413.1, 64431, 64432, 64447.2, 64463.1, 64465, 64481 REPEAL: 64450

Filed 09/18/07

Effective 10/18/07

Agency Contact: Barbara Gallaway (916) 440-7689

FISH AND GAME COMMISSION

Waterfowl Hunting

This regulatory action deals with waterfowl hunting and also concurrence with federal regulations.

Title 14

California Code of Regulations

AMEND: 502, 509

Filed 09/19/07

Effective 09/19/07

Agency Contact: Sherrie Koell (916) 653-4899

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN APRIL 18, 2007 TO
SEPTEMBER 19, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

07/09/07 AMEND: 270

06/28/07 AMEND: 2616

Title 2

09/11/07 ADOPT: 18440

09/10/07 AMEND: 1183.13

09/04/07 ADOPT: 54700

08/31/07 ADOPT: 1859.180, 1859.181, 1859.182, 1859.183, 1859.184, Form SAB 50-11
AMEND: 1859.2, 1859.51, 1859.61, 1859.75.1, 1859.81, 1859.81.1, 1859.81.2, 1859.103, 1859.104, 1859.202, 1866, Form SAB 50-04, Form SAB 50-06

08/31/07 AMEND: 18109, 18204.5, 18208.5, 18215.2, 18228, 18236, 18241, 18306, 18315, 18323, 18325, 18350, 18404.2, 18410, 18416, 18429, 18432, 18438, 18457, 18500, 18502, 18502.1, 18502.2, 18519.4, 18522, 18526.1, 18530.1, 18531.1, 18531.3, 18531.4, 18532, 18536.1, 18536.2, 18538, 18538.2, 18541, 18564, 18573, 18580, 18585, 18586, 18587, 18588, 18590, 18616.5, 18618, 18619, 18620, 18621, 18622, 18626, 18650, 18700.1, 18702.6, 18704.3, 18707.3, 18720, 18725, 18726, 18726.1, 18726.2, 18726.3, 18726.4, 18726.5, 18726.6, 18726.7, 18726.8, 18727, 18760, 18902, 18930.1, 18931, 18935, 18940.1, 18950.2, 18954

08/03/07 AMEND: 58800

08/02/07 ADOPT: 1700

07/18/07 AMEND: 1859.2, 1859.51, 1859.61, 1859.81, 1859.202, 1866

07/18/07 ADOPT: 7288.0, AMEND: 7288.0, 7288.1, 7288.2, 7288.3

07/18/07 AMEND: 18361.2, 18361.4

07/17/07 AMEND: 1859.2

07/02/07 ADOPT: 18531.62 AMEND: 18544, 18545

07/02/07 ADOPT: 1859.302, 1859.324.1, 1859.330 AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329

06/20/07 ADOPT: 1859.106.1 AMEND: 1859.106

06/15/07 AMEND: div. 8, ch. 111, sec. 59560

06/13/07 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65,

	20108.70, 20108.71, 20108.75, 20108.80 REPEAL: 20108.37
05/23/07	ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80
05/21/07	AMEND: 18402
05/17/07	ADOPT: 1859.70.4, 1859.71.6, 1859.77.4, 1859.162.1, 1859.162.2, 1859.162.3, 1859.163.4, 1859.163.5, 1859.163.6, 1859.163.7, 1859.169.1 AMEND: 1859.2, 1859.51, 1859.60, 1859.61, 1859.70.3, 1859.71, 1859.78.9, 1859.83, 1859.93.2, 1859.160, 1859.161, 1859.162, 1859.163.1, 1859.163.2, 1859.163.3, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.167, 1859.167.1, 1866.4, 1866.13 REPEAL: 1859.162.1
05/17/07	AMEND: 52900
05/14/07	AMEND: 599.664
05/08/07	ADOPT: 1185.2, 1185.3, 1185.4 AMEND: 1185, 1185.01 (renumbered to 1185.1), 1185.02 (renumbered to 1185.5), 1185.03 (renumbered to 1185.6), 1185.1 (renumbered to 1185.7)
05/08/07	AMEND: div. 8, ch. 48, sec. 53700
04/30/07	AMEND: 1859.124.1
04/25/07	AMEND: 1859.83, 1859.202, 1866

Title 3

09/19/07 AMEND: 3700(c)
09/17/07 AMEND: 3406(b)
09/12/07 AMEND: 3700(c)
09/11/07 AMEND: 3433(b)
09/11/07 AMEND: 3591.5(a)
09/10/07 ADOPT: 1391, 1391.1
09/05/07 ADOPT: 820.2, 820.7 AMEND: 820,
820.3, 820.4, 820.5, 820.6, 820.7
REPEAL: 820.6
08/21/07 AMEND: 3434
08/10/07 ADOPT: 3152
07/24/07 AMEND: 3591.6(a)(1)
07/23/07 AMEND: 3589(a)
07/20/07 AMEND: 3423(b)
07/20/07 AMEND: 3591.6(a)(1)
07/18/07 AMEND: 3434(b)
07/13/07 AMEND: 3591.20(a)
07/09/07 AMEND: 3433(b)

07/06/07 AMEND: 3591.2(a)
07/06/07 AMEND: 3589(a)
06/21/07 AMEND: 3434(b), 3434(c)
06/13/07 ADOPT: 6739 AMEND: 6000, 6720,
6738, 6793
06/07/07 AMEND: 3434(b)
06/06/07 AMEND: 3434(b)
06/05/07 AMEND: 3591.20(a)
05/31/07 ADOPT: 900, 900.1, 900.2, 901.5, 901.8,
901.9, 901.10, 901.11, 902, 902.1, 902.3,
902.4, 902.5, 902.6, 902.7, 902.8, 902.9,
902.10, 902.11, 902.12, 902.13, 902.14,
903, 903.1, 903.2, 903.3, 903.4, 903.5,
903.6, 903.7, 903.8, 903.9, 903.10,
903.11, 903.12
05/07/07 AMEND: 6860
05/07/07 AMEND: 3433
05/03/07 ADOPT: 3035 REPEAL: 3035, 3035.1,
3035.2, 3035.3, 3035.4, 3035.5, 3035.6,
3035.7, 3035.8, 3035.9
04/25/07 AMEND: 3433(b)
04/23/07 AMEND: 3591.20
04/20/07 ADOPT: 3434
04/20/07 AMEND: 3591.20(a)

Title 4

09/04/07 AMEND: 12205.1, 12225.1
05/30/07 AMEND: 1481
05/08/07 AMEND: 1433
05/07/07 AMEND: 1606
04/24/07 ADOPT: 9071, 9072, 9073, 9074, 9075
04/19/07 AMEND: 10176, 10177, 10178, 10179,
10180, 10181, 10182, 10183, 10188

Title 5

09/10/07	ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854
08/27/07	ADOPT: 9517.2
08/23/07	AMEND: 42000, 42002, 42003, 42005, 42006, 42007, 42008, 42009, 42010, 42011, 42012, 42013, 42018, 42019
08/16/07	ADOPT: 18096 AMEND: 18078, 18081, 18084, 18085, 18089, 18090, 18100, 18107
08/13/07	ADOPT: 17660, 17661, 17662, 17663, 17664, 17665, 17666, 17667
08/09/07	AMEND: 80124, 80125
07/31/07	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
07/27/07	AMEND: 50500
07/20/07	ADOPT: 58520

07/17/07	ADOPT: 52000, 52010, 55003, 55007, 55020, 55021, 55022, 55023, 55024, 55025, 55030, 55031, 55032, 55033, 55034, 55035, 55040, 55041, 55042, 55043, 55044, 55050, 55051, 55052, 55060, 55061, 55062, 55063, 55064, 55070, 55072, 55080, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161, 58161.5 AMEND: 55000, 55000.5, 55002, 55002.5, 55005, 55006, 55250, 55250.2, 55250.3, 55250.4, 55250.6, 55250.7, 55252, 55253, 55256, 55257, 55500, 55502, 55510, 55514, 55518, 55521, 55523, 55530, 55600, 55601, 55602.5, 55605, 55630, 55700, 55701, 55702, 55720, 55732, 56029, 58003.1, 58007, 58009, 58051 REPEAL: 55004, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161, 58161.5	06/05/07	AMEND: 19802
		06/04/07	ADOPT: 11996, 11996.1, 11996.2, 11996.3, 11996.4, 11996.5, 11996.6, 11996.7, 11996.8, 11996.9, 11996.10, 11996.11
		06/01/07	REPEAL: 41916
		05/30/07	ADOPT: 30920, 30921, 30922, 30923, 30924, 30925, 30926, 30927
		05/18/07	ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854
		05/11/07	AMEND: 30023(c)
		05/07/07	ADOPT: 30910, 30911, 30912, 30913, 30914, 30915, 30916, 30917
		04/27/07	ADOPT: Art. 2.2 (subch.1, ch. 6), 55151, 55151.5, 55151.7, 58707, 58785, AMEND: 55002, 55150, 58160, 58704, 58770, 58771, 58773, 58774, 58776, 58777, 58779 REPEAL: 58706, 58775
		04/23/07	ADOPT: 30710, 30711, 30712, 30713, 30714, 30715, 30716, 30717, 30718
Title 8			
		08/22/07	AMEND: 14300.10, 14300.12, 14300.29, 14300.46
		08/21/07	AMEND: 1740
		07/23/07	ADOPT: 32993 AMEND: 32990, 32992, 32994, 32995, 32996, 32997 REPEAL: 32991, 32993
		06/19/07	AMEND: 212.01
		06/15/07	ADOPT: 9792.20, 9792.21, 9792.22, 9792.23
		06/07/07	ADOPT: 9792.11, 9792.12, 9792.13, 9792.14, 9792.15
		06/01/07	AMEND: 4543
		05/23/07	AMEND: 5001
		05/23/07	AMEND: 9767.4, 9767.8, 9768.10, 9788.11
		05/21/07	AMEND: 9768.5, 9788.31
		05/16/07	AMEND: 8397.16
		04/27/07	AMEND: 1801, 8416
		04/26/07	ADOPT: 10225, 10225.1, 10225.2
		04/24/07	AMEND: 5004, 5047, 8379
		04/20/07	AMEND: 1620, 1626, 1629
		04/20/07	AMEND: 5148(c)
		04/18/07	AMEND: 20299, 20363, 20407
Title 9			
		08/27/07	AMEND: 7128
		08/23/07	ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110,
07/17/07	AMEND: 58704, 58770, 587714, 58774, 58776, 58777 REPEAL: 58785		

	3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415	08/20/07	ADOPT: 2105.1, 2105.2, 2105.3, 2105.4, 2105.5, 2105.6, 2105.7, 2105.8, 2105.9, 2105.10, 2105.11, 2105.12, 2105.13, 2105.14, 2105.15, 2105.16, 2105.17, 2105.18, 2105.19
06/12/07	AMEND: 10501, 10508, 10511, 10515, 10518, 10522, 10524, 10527, 10529, 10532, 10533, 10545, 10547, 10550, 10561, 10568, 10606, 10608, 10609, 10613, 10615, 10620, 10626, 10630	08/13/07	ADOPT: 5357, 5357.1, 5357.2, 5358, 5358.1 AMEND: 5350, 5352
05/24/07	AMEND: 13035	07/31/07	AMEND: 2699.205, 2699.6600, 2699.6607, 2699.6608, 2699.6613, 2699.6629, 2699.6813
05/01/07	ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415	07/26/07	ADOPT: 2355.1, 2355.2, 2355.3, 2355.4, 2355.5, 2355.6, 2355.7, 2355.8, 2356.1, 2356.2, 2356.3, 2356.4, 2356.5, 2356.6, 2356.7, 2356.8, 2356.9, 2357.1, 2357.2, 2357.3, 2357.4, 2357.5, 2357.6, 2357.7, 2357.8, 2357.9, 2357.10, 2357.11, 2357.12, 2357.13, 2357.14, 2357.15, 2357.16, 2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.4, 2359.5, 2359.6, 2359.7 REPEAL: 2555, 2555.1, 2556, 2556.1, 2556.2
		07/09/07	AMEND: 260.140.8, 260.140.41, 260.140.42, 260.140.45, 260.140.46
		06/28/07	AMEND: 2498.4.9
		06/28/07	AMEND: 2498.4.9
		06/28/07	AMEND: 2498.5
		06/28/07	AMEND: 2498.6
		06/28/07	AMEND: 2498.6
		06/28/07	AMEND: 2498.6
		06/28/07	AMEND: 2498.6
		06/28/07	AMEND: 2498.5
		06/28/07	AMEND: 2498.4.9
		06/28/07	AMEND: 2498.4.9
		06/28/07	AMEND: 2498.6
		05/01/07	AMEND: 2716.1, 2790.1.5, 2810.5 REPEAL: 2716, 2790.1, 2810
		04/26/07	ADOPT: 5357, 5357.1, 5358, 5358.1 AMEND: 5350, 5352
		04/25/07	AMEND: 2697.6, 2697.61
		04/25/07	AMEND: 250.30
		04/24/07	AMEND: 2498.6
Title 10			
09/19/07	ADOPT: 2538.1, 2538.2, 2538.3, 2538.4, 2538.5, 2538.6, 2538.7, 2538.8	Title 11	
09/17/07	AMEND: 2498.6	08/08/07	AMEND: 1005, 1007, 1008
08/29/07	ADOPT: 3007.05, 3007.2 AMEND: 2805, 2809.3, 2840, 2849.01, 3005, 3006, 3007.3, 3011.4 REPEAL: 2840.1	08/01/07	AMEND: 1070, 1081, 1082
08/29/07	ADOPT: 2842 AMEND: 2848	08/01/07	AMEND: 1070, 1081, 1082
		07/31/07	ADOPT: 999.100, 999.101, 999.102, 999.108, 999.114, 999.115, 999.121, 999.122, 999.128, 999.129, 999.130,

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	999.165, 999.166, 999.167, 999.168,	07/09/07	AMEND: 225.18, 225.39, 225.45, 225.54 and 225.63
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	999.173, 999.174, 999.175, 999.176,	05/23/07	AMEND: 2180.1, 2181, 2184, 2185, 2186, 2192, 2194 REPEAL: 2011
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06/04/07	AMEND: 1081		
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